

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.10/801,189
Filing Date March 15, 2004
Inventorship..... Bert Newell
Appellant/Applicant..... Hewlett-Packard Company
Group Art Unit..... 2625
Examiner DICKERSON, Chad S.
Confirmation No. 1632
Attorney's Docket No. 200313323-1
Title: A Method of Processing a Print Batch in a Print Device

REPLY BRIEF

To: MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This brief is filed in response to the Examiner's Answer dated August 19, 2010 re-opening prosecution, and is filed within two months thereof.

This brief contains items under the following headings:

- I. Status of Claims
- II. Grounds of Rejection to be Reviewed on Appeal
- III. Argument

I. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are twenty (20) claims pending in this application.

B. Current Status of Claims

1. Claims canceled: 2, 4, 9, and 11-13.
2. Claims withdrawn from consideration but not canceled: none.
3. Claims pending: 1, 3, 5-8, 10, and 14-26.
4. Claims allowed: none.
5. Claims rejected: 1, 3, 5-8, 10, and 14-26.

C. Claims on Appeal

The claims on appeal are claims 1, 3, 5-8, 10, and 14-26.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The Office Action dated January 6, 2010 and re-opening prosecution rejected the claims as follows:

- 1) Claims 1, 3, 5-8, 10, 14-18, and 22-26 stand rejected under 35 U.S.C. §112 for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 2) Claims 8, 10, 14-21 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,715,379 to Pavlovic et al. ("Pavlovic").
- 3) Claims 1, 3-7, and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Pavlovic in view of U.S. Patent No. 7,092,117 to Kageyama et al. ("Kageyama").
- 4) Claim 23 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Pavlovic in view of U.S. Patent Publication No. 2005/0102442 to Ferlitsch ("Ferlitsch").
- 5) Claim 24 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Pavlovic in view of Kageyama and further in view of U.S. Patent Publication No. 2003/0227651 to Mathieson ("Mathieson").

- 6) Claim 25 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Pavlovic in view of Kageyama and Ferlitsch.
- 7) Claim 26 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Pavlovic in view of Kageyama and further in view of U.S. Patent No. 6,618,167 to Shah ("Shah").

Appellant requests the Board to review each of these grounds of rejection.

III. ARGUMENT

Claim Rejections

The claim rejections appearing on pages 17-29 appear to be copied from the most recent Office Action, and have already been addressed in the Appeal Brief. No new grounds of rejection are apparent in the Examiner's Answer.

Examiner's Response to Argument

The Examiner's Answer on page 29 first poses the question "what exactly are the three determinations independent from and where is this specifically recited in the claims?" Appellant clarifies that (1) the pick order is independent from (2) the transfer order, which is independent from (3) the delivery order. This is clearly recited in the claims. See, e.g., claim 1 reciting "independently determining by the processor a pick order, independently determining a transfer order, and independently determining a delivery order." See, also, para. [0015] of Appellant's specification, reproduced below:

*[0015] Accordingly, the present method provides for the independent and dynamic determination of the pick order, the transfer order, and the delivery order of print jobs received in a print device. As a result, the pick order, the transfer order, and the delivery orders **may be independent from one another** and may be **determined according to the specific characteristics of each print job**. By independently determining the discussed orders, the present method increases the efficiency and adaptability of the processing of each print batch.*

The Examiner's Answer agrees with this interpretation, stating on page 29 that this is also how he interpreted these recitations. Appellant is unclear, then, why the Examiner raises this issue now in the second Appeal.

The Examiner's Answer errs on page 30, however, when the Examiner goes on to state that Pavlovic also teaches independent pick order, transfer order, and delivery order. The Examiner explains that "the rasterization process produces the actual rasterized representation of the individual job as well as characteristic data corresponding to each job . . . [which] implies each job rasterized has its own data pertaining to the job characteristics, which is separate or different from the rasterized image data." This, the Examiner concludes is similar to Pavlovic.

Refer to the Background of the Appellant's specification for further clarification, as reproduced in relevant part below:

[0003] Traditionally, after a print device receives one or more print batches, the print device sequentially identifies and processes each of the print jobs contained in the print batches. More specifically, for each image to be formed by the print device, a process of converting the image data to a renderable form is executed. This conversion often includes converting the image data into a map of individual dots. The formatted print job is then passed to a processor, which instructs the internal mechanisms of the print device to pick a media sheet on which the image is to be formed. Once the media sheet is picked, traditional print devices transfer the converted image data representing a print job to a processor, where the image data is further converted into motion and dispensing commands. A print engine of the print device then uses the motion and dispensing commands to form the desired image on the picked media sheet. After the image has been formed, the print device delivers the imaged media sheet to an external output region of the print device and the process is repeated with the next print job.

[0004] As noted above, the traditional printing process is sequentially performed according to the order each print job is received. Consequently the

media picking order, the print job transfer order, and the delivery order remain constant, without taking into account the type of media sheets that are picked, the complexity of the image, or the time required to form and deliver each image.

This Background discussion is similar to what is being described in Pavlovic. For example, Pavlovic describes in the example at col. 9, lines 20-51:

When marker 112 requires the multi-task job to be printed, marker 112 submits a request to buffer manager 120 which, in response, acts to retrieve the page images of each decomposed file in spool 116 in the desired page image order. Once again, because in the particular example the print is to be stapled and therefore requires that the prints be made in reverse (N to 1) page order [i.e., delivery order], the data for the page images must be submitted from spool 116 to printer hardware 114 [i.e., transfer order] in reverse order.

In other words, the transfer and delivery order in Pavlovic are **dependent** on one another.

The Examiner's Answer disagrees that this actual text in Pavlovic teaches a dependency. Instead, the Examiner explains at the bottom of page 30 that this passage is not relevant to determining what output tray a job is delivered to. However, the Examiner is ignoring the plain language in Pavlovic in favor of his own interpretation of the reference.

With regard to "increasing efficiency," Appellant noted that according to the claim, the print jobs within the print batch do not need to be reassembled or reordered for printing, increasing efficiency of processing each print job. Pavlovic discloses a "printing system including a plurality of decomposers that operate simultaneously and independently to output page images of decomposed data at random times. A buffer manager records where in the buffer each page is stored so that the necessary page images can be reassembled for printing." Abstract. Once again the Examiner has chosen to ignore the plain language in Pavlovic in favor of his own conjecture that if

Pavlovic was to operate with only two jobs in the buffer, there would be no reordering of the jobs since the jobs are no longer processed in random order.

The Examiner further conjectured (contrary to the express teachings in Pavlovic) that if one processor is used for each format, the format only processes one job at a time, and that the processor rendering this format would process these files sequentially and therefore not need to reorder the pages. This line of reasoning is so far from what is actually taught by the reference, that the Examiner had to further explain his reasoning in the Examiner's Answer. However, Appellant finds the Examiner's explanation difficult to follow, and so far removed from the express claim recitations and clear teachings of the reference, that Appellant, without admitting anything, does not believe that further discussion on this matter would serve to advance the appeal.

Conclusion

For the reasons provided herein, Appellant respectfully requests the Board to rule that the rejections of the claims are improper.

Respectfully Submitted,

/Mark D. Trenner/

Dated: October 9, 2010

By: _____

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